

Exhibit 8

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KEITH TURNER,

Plaintiff, INDEX NO.:
06 CV 1910

- against -

NYU HOSPITALS CENTER, NYU MEDICAL
CENTER, NYU SCHOOL OF MEDICINE
and NYU HEALTH SYSTEM,

Defendants.

-----X

60 East 42nd Street
New York, New York
January 18, 2007
10:08 A.M.

EXAMINATION BEFORE TRIAL OF REGINALD ODOM, the
witness appearing on behalf of the Defendants, taken
by the Plaintiff, pursuant to a Notice, and held
before Michele O'Connor, a Notary Public of the State
of New York, at the above-stated time and place.

* * *

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1 Reginald Odom
 2 A No.
 3 Q She's in the organization learning and
 4 development area?
 5 A Yes.
 6 Q And that's a separate, completely separate
 7 department from employee relations?
 8 A Yes.
 9 Q And what do they do in that area?
 10 A They're organization and development
 11 specialists. They provide various types of additional
 12 training and support to the organization, including
 13 during layoffs, they might provide transition support.
 14 Q So Mr. Parauda had responsibility for the
 15 department of building services?
 16 A Yes.
 17 Q And other departments as well?
 18 A Yes.
 19 Q And Mr. Parauda reports to you?
 20 A Yes.
 21 Q Were there other individuals like
 22 Mr. Parauda who had other parts of NYU to cover?
 23 A Yes.
 24 Q So he has a group that has the same type of
 25 duties in other parts of NYU?

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1 Reginald Odom
 2 A Yes.
 3 Q And those folks all report to you?
 4 A Yes.
 5 Q Now, you said that you met with Mr. Turner
 6 in the first half of 2004 after speaking with
 7 Mr. Morelos?
 8 A Yes.
 9 Q Tell me, to the best of your recollection,
 10 what is it that Mr. Morelos said to you that caused
 11 you to start talking to employees in the department.
 12 A What I recall is that Mr. Morelos came to
 13 me and said that he had concerns about the department,
 14 that he felt that people weren't working well
 15 together. He talked to me about Mr. DeGazon --
 16 Ms. Pineda clashing with the office manager, who at
 17 the time was Corie Fromkin, and he also said that
 18 there was tension among some of the other supervisory
 19 staff. I don't recall if he specifically mentioned
 20 any individual's name, but I do recall asking him to
 21 give me a general sense of the leadership in the
 22 department because I wasn't as familiar with
 23 everybody, and I think he told me generally who the
 24 people were and he asked me to kind of see if I could
 25 have conversations with each of them, and what we were

1 Reginald Odom
 2 talking about was that maybe there needed to be some
 3 kind of, you know, team development or some kind of
 4 work done that might be supported by our
 5 organizational development group. But what I first
 6 wanted to do is have discussions to understand the
 7 depth of the feelings toward each other. He said that
 8 people weren't getting along. There was a lot of, you
 9 know, difficulties with the office manager and
 10 Mr. DeGazon and he wanted some support in terms of,
 11 you know, how to address the issue and I told him what
 12 I would do is talk to the various different people and
 13 he told me to talk to Corie Fromkin first and then she
 14 would give me other people to talk to and then we
 15 would kind of check back in and see how to move
 16 forward.
 17 Q So Mr. Morelos said I suggest you talk to
 18 Corie Fromkin first and she'll tell you other people
 19 to talk to?
 20 A I recall that he suggested I talk to Corie
 21 Fromkin first. I don't know if he specifically said
 22 she would tell me other people. I know that she
 23 eventually did. She gave me a bunch of other names.
 24 She suggest I talk to other people, but he suggested I
 25 talk to Corie.

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1 Reginald Odom
 2 Q Do you recall anything else that
 3 Mr. Morelos said to you or is that the gist?
 4 A That's the essence of the conversation.
 5 Q And you told Mr. Parauda about the
 6 discussion with Mr. Morelos?
 7 A I'm not sure exactly. But at some point I
 8 would have told him I'm going to talk to various
 9 people, and I would ask him do you have a sense,
 10 because it's your area, of anything going on
 11 specifically within the department?
 12 Q And, to the best of your recollection,
 13 what's the sequence of people that you spoke to after
 14 you spoke to Mr. Morelos?
 15 A I remember speaking to Corie first.
 16 Q Okay. I'll ask you what was said. I just
 17 want to get a gist.
 18 A I'm trying to think. I know I spoke to
 19 Corie Fromkin first. I believe then I spoke to
 20 Mr. Turner. I also spoke to Mr. Kilpatrick, if that's
 21 the right name. Although, before I spoke to
 22 Mr. Kilpatrick -- I'm not sure if I spoke to
 23 Mr. DeGazon before Mr. Kilpatrick or after
 24 Mr. Kilpatrick. I spoke to Ms. Pineda and I know
 25 there were some other people that I think I was

13 (Pages 46 to 49)

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1 Reginald Odom
 2 intending to speak to, but I don't know if I ever got
 3 to some of the other people on the list.
 4 Q Now, at the time Mr. Morelos spoke to
 5 you -- and let's assume it's early '04, the first half
 6 of '04?
 7 A Right.
 8 Q -- Mr. Morelos, he was the director of the
 9 department?
 10 A Yes.
 11 Q So Mr. DeGazon reported to Mr. Morelos?
 12 A Yes.
 13 Q And Ms. Pineda reported to Mr. DeGazon and
 14 Mr. Morelos?
 15 A Yes.
 16 Q And Ms. Fromkin, as office manager, she
 17 reported directly to Mr. Morelos, right?
 18 MR. SHAPIRO: Objection to form.
 19 A I'm not sure. I thought the initial
 20 structure was she reported to Mr. DeGazon, but I
 21 believe somewhere along the line that changed and I'm
 22 not sure where it stood in terms of time. We had
 23 those discussions.
 24 Q Well, I'll show you Exhibit 7 from April
 25 1st of '03, which is various witnesses that have

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1 Reginald Odom
 2 already talked about it. Can you see on that document
 3 Ms. Fromkin has a line directly to Mr. Morelos?
 4 A Yes, that's correct.
 5 Q And you have never seen this before this
 6 deposition?
 7 A No.
 8 Q You spoke to Ms. Fromkin first. Did
 9 Ms. Fromkin tell you that Mr. DeGazon had made
 10 comments to her that she found to be offensive?
 11 A I remember one comment that she said that
 12 she found to be offensive.
 13 Q And what was that comment?
 14 A Something was referring to her as a skinny
 15 little white girl or something to that sort.
 16 Q If that comment was made by Mr. DeGazon, do
 17 you agree that that's an inappropriate comment for
 18 Mr. DeGazon to have made to Ms. Fromkin if he made the
 19 comment?
 20 A If he made the comment, it's inappropriate.
 21 MR. SHAPIRO: Objection to form.
 22 Q What else did Ms. Fromkin tell you about
 23 Mr. DeGazon's comments to her?
 24 A I don't recall any other inappropriate
 25 comments. What I recall was conversation about he was

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1 Reginald Odom
 2 difficult to work with. What I recall in the
 3 conversation was that initially at some point she
 4 supposedly reported directly to him, that he, you
 5 know, yelled and he was, you know, demeaning and she
 6 didn't like working with him. But I don't recall any
 7 specific comments that were considered to be
 8 inappropriate other than that one. I do remember that
 9 one comment. She basically said that, you know, he
 10 wanted to do things his way and he was kind of
 11 outdated and had an old style. There were complaints
 12 about, you know, how his approach to things was --
 13 they said he had a very, kind of a formal, stiff
 14 approach. They wanted to change things. "They" being
 15 Corie and her reference to Mr. Morelos, and that
 16 Mr. DeGazon made it difficult for them to do that
 17 because he wanted to do things the way they have been
 18 done for years because he had been there a long time,
 19 and generally there was just a decision among the
 20 group that they didn't get along.
 21 Q When Mr. Morelos came to you and brought
 22 you into the picture, did he indicate to you that he
 23 had some concerns about the way Mr. DeGazon or
 24 Ms. Pineda did their jobs?
 25 A His concern was really that there was

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1 Reginald Odom
 2 clashing among the group and that people didn't work
 3 well together and that it was causing a lot of
 4 difficulty within the department and he wanted to try
 5 to resolve it somehow.
 6 Q Did he state to you that he thought that
 7 Mr. DeGazon and Ms. Pineda were undermining him?
 8 A I don't recall that specifically.
 9 Q Well, did he raise any concerns or
 10 complaints with you about how he felt about
 11 Mr. DeGazon and Ms. Pineda?
 12 A I don't recall any specific conversation
 13 with how he felt about them.
 14 Q Did he have any negative things to say
 15 about either one?
 16 A I don't recall any things.
 17 Q Mr. Morelos was in good standing at NYU
 18 when he came to you in early '04 with issues, right?
 19 MR. SHAPIRO: Objection to form.
 20 A As far as I know, I wasn't aware of
 21 anything.
 22 Q Okay. As far as you know, he was in good
 23 standing. When Ms. Fromkin met with you -- let me see
 24 if anything that I say jogs your memory. Did she
 25 indicate to you that Mr. DeGazon made any comments to

14 (Pages 50 to 53)

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1 Reginald Odom
 2 her about her appearance other than something like
 3 skinny little white girl, the way she dressed, her
 4 appearance?
 5 A I don't recall that.
 6 Q Did Ms. Fromkin talk to you about any
 7 comments Mr. DeGazon made to her about her being
 8 Jewish or her needing to take a day off for Passover
 9 or religion or anything of that matter?
 10 A No, I don't recall any of that.
 11 Q Did Ms. Fromkin communicate to you that
 12 Mr. DeGazon had cursed to her or at her or used, you
 13 know, this type of language with her?
 14 A Not that I recall.
 15 Q So, in essence, Ms. Fromkin told you about
 16 one offensive comment, complaint about Mr. DeGazon's
 17 way of treating her; is that fair to say?
 18 A Yes.
 19 Q Did Ms. Fromkin talk to you about
 20 Ms. Pineda and how Ms. Pineda acted?
 21 A I remember her talking about Ms. Pineda had
 22 difficulty with a lot of the supervisors and I
 23 specifically remember her mentioning Bozena Sutowski,
 24 you know, that they had difficulties and that -- I'm
 25 trying to recall what the specifics were. I just

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1 Reginald Odom
 2 remember difficulties. I don't remember specifics, I
 3 guess, about Ms. Pineda.
 4 Q Do you recall Ms. Fromkin herself
 5 complaining about the way Ms. Pineda treated her?
 6 A I remember her comments mostly being
 7 focused on Mr. DeGazon.
 8 Q Is there anything you remember her relating
 9 to you?
 10 A That's, again, in essence what I recall of
 11 the conversation.
 12 Q So after you spoke with Ms. Fromkin -- and
 13 I have some documents to show you. I haven't gotten
 14 there yet. But there are some documents that might
 15 help you as well. Did she give you names of other
 16 people in the department that she thought would be
 17 helpful for you to talk with?
 18 A She said she was going to send me an e-mail
 19 with some names and I think Mr. Turner was one of
 20 them. Mr. Parauda was one of them. I think
 21 Mr. Kilpatrick and maybe some others.
 22 Q Did Ms. Fromkin's e-mail or reference to
 23 Mr. Turner lead you then to talk to Mr. Turner?
 24 A Yes.
 25 Q Do you know how close in time you spoke --

1 Reginald Odom
 2 you don't have the dates of those discussions; am I
 3 correct?
 4 A No.
 5 Q Do you know how close in time the
 6 discussions were when you spoke to Ms. Fromkin and
 7 Mr. Turner?
 8 A No.
 9 Q It's all occurring in the first half of
 10 2004, right?
 11 A My assumption -- I don't recall
 12 specifically.
 13 Q Well, obviously, Mr. Turner had to be
 14 because he was given papers on June 14th of '04,
 15 right?
 16 A That's correct. I don't recall
 17 specifically any dates.
 18 Q Well, you know Ms. Fromkin was terminated
 19 April of '04. We'll get to that.
 20 MR. SHAPIRO: Objection to form.
 21 Q If I tell you she was terminated in April,
 22 you would have had to speak to her that first third of
 23 the year.
 24 A Correct.
 25 MR. SHAPIRO: Objection.

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1 Reginald Odom
 2 Q When you met with Mr. Turner, what did he
 3 say to you?
 4 A I remember Mr. Turner talking to me
 5 about -- I remember asking him about, you know, how he
 6 knew Mr. Morelos and I think I recall the conversation
 7 him telling me that actually that he didn't know
 8 Mr. Morelos, that it was his wife who knew him, had
 9 worked with him in some other capacity, and I asked
 10 him about the working environment in the department.
 11 I recall Mr. Turner telling me that he thought it was
 12 okay, that others had more difficulty with the
 13 environment than him primarily because I think he
 14 said, you know, he was more custom to the style. It
 15 wasn't his preferred method of doing things, but,
 16 again, I remember reference specifically to the
 17 formality of the department.
 18 I remember him mentioning that Bo had more
 19 of a difficulty with, you know, Mr. DeGazon and wanted
 20 everybody to be referred to as Mr. or Mrs., in a
 21 formal style no matter what level you were in the
 22 organization and they wanted a more casual
 23 environment. I recall Mr. Turner talking to me about
 24 it being somewhat of an intense environment, but I
 25 recall his conversation being, you know, it was just a

15 (Pages 54 to 57)

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1 Reginald Odom
 2 difference in style.
 3 Q Do you recall Mr. Turner indicating that he
 4 felt there was favoritism? Did Keith Turner express
 5 to you that he felt Mr. DeGazon had shown favoritism
 6 to Robert Stephen?
 7 A I don't specifically recall that being
 8 raised.
 9 Q Taking you back a moment to speaking to
 10 Ms. Fromkin, did you tell Ms. Fromkin -- where did you
 11 leave things with Ms. Fromkin when you finished
 12 speaking with her? You've already given me your
 13 testimony as to what was said, right?
 14 A Yes.
 15 Q How did you leave things with Ms. Fromkin?
 16 A What I recall telling her was that -- I
 17 told her in essence I would be talking to various
 18 different people in the department, and she told me
 19 she would give me different names of people she
 20 thought might be helpful to talk to. Then I told her
 21 that, you know, if there were issues that specifically
 22 came up, she should let me know, but in the meantime,
 23 I was going to follow up and pursue that process and
 24 then, you know, kind of come back to Mr. Morelos with
 25 a recommendation.

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1 Reginald Odom
 2 Q When Ms. Fromkin told you that Mr. DeGazon
 3 had made a comment to her, skinny little white girl,
 4 did you understand that to be a complaint by
 5 Ms. Fromkin about Mr. DeGazon's behavior?
 6 A I understand that she felt it was an
 7 inappropriate comment and I noted that as something I
 8 was going to address with Mr. DeGazon.
 9 Q Did Ms. Fromkin indicate to you that she
 10 felt Mr. DeGazon didn't want her to be at NYU,
 11 preferred someone else for the position?
 12 A I'm just trying to think back about the
 13 conversation. I know that she and -- I don't know if
 14 I said this before. I know she might have also
 15 mentioned that she had difficulties with one of the
 16 assistants there, Jackie. I can't remember Jackie's
 17 last name.
 18 Q Jacqueline Richards?
 19 A Richards, yes. I remember that coming out
 20 in the conversation. I don't specifically recall her
 21 saying that Mr. DeGazon didn't want her to be there,
 22 but I know that she did not have a good working
 23 relationship with him.
 24 Q You know that Mr. DeGazon is black, right?
 25 A Yes, I assume so.

1 Reginald Odom
 2 Q And you know that he's from St. Lucia?
 3 A That I know, yes.
 4 Q And do you know that Robert Stephen is also
 5 black?
 6 A I don't know Robert Stephen.
 7 Q You don't know who Robert Stephen is?
 8 A No.
 9 Q Have you heard his name before this
 10 deposition?
 11 A I've heard his name.
 12 Q But you've never spoken to him or seen him
 13 before?
 14 A No, not that I recall.
 15 Q You know that Hilda Pineda is Hispanic?
 16 A Yes.
 17 Q You know Corie Fromkin is a Caucasian,
 18 American female?
 19 A Yes.
 20 Q Mr. Turner is a Caucasian, American man,
 21 right?
 22 A Yes.
 23 Q You know Bozena Sutowski to be a Caucasian
 24 female, correct?
 25 A I actually don't know Bozena Sutowski.

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1 Reginald Odom
 2 Q You have never met her, seen her or met
 3 her?
 4 A No, not that I can recall.
 5 Q When you spoke with Keith Turner, do you
 6 recall Mr. Turner complaining to you about any aspect
 7 of Mr. DeGazon's conduct, actions or behavior?
 8 A Nothing other than what I said before about
 9 that they didn't particularly like his style of
 10 operation, that his style was kind of outdated and
 11 conservative and kind of -- militaristic would be the
 12 description. I recall very stuffy, straight forward.
 13 It wasn't that I recall a complaint about his actions
 14 toward him.
 15 Q Do you know Jacqueline Richards to be an
 16 African-American female?
 17 A Yes.
 18 Q Did you ever find out that Mr. DeGazon had
 19 advocated for Ms. Richards to be the office manager
 20 rather than Corie Fromkin?
 21 A No.
 22 Q Did you ever get information that
 23 Mr. DeGazon had advocated for Mr. Stephen to be
 24 manager of building services rather than Mr. Turner?
 25 A No.

16 (Pages 58 to 61)

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1 Reginald Odom
2 Q That information would not have come to you
3 because you're not in the recruiting area, correct?
4 MR. SHAPIRO: Objection to form.
5 A That's correct.
6 Q You're not involved in hiring positions,
7 right?
8 A No.
9 Q Do you recall anything else from your
10 discussion with Keith Turner?
11 A No.
12 Q You say that at some point you spoke to
13 Jesse Kilpatrick, and he's on Exhibit 7 as listed as a
14 supervisor. That's the person you're talking about,
15 right?
16 A Yes.
17 Q What's his raise?
18 A I believe Mr. Kilpatrick is
19 African-American.
20 Q Can you tell me what you recall speaking to
21 him about?
22 A Yes. I remember asking Mr. Kilpatrick
23 about, again, the environment. I do recall
24 Mr. Kilpatrick saying that he felt that Ms. Pineda and
25 Mr. DeGazon had favorites in the department and that I

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1 Reginald Odom
2 recall he was a very, very long service employee, if I
3 recall, and I remember him referring to he thought
4 there was favoritism among -- I don't recall him
5 specifically identifying, you know, how it was
6 defined. I just recall him referring to Mr. DeGazon
7 and Ms. Pineda had certain favorite people.
8 Q But the favorite people you don't recall?
9 A No.
10 Q When you finished your discussion with
11 Keith Turner, can you tell me how you left things off
12 with Mr. Turner?
13 A I believe that I had a similar conversation
14 that I had with Ms. Fromkin, kind of telling him that
15 I was talking to various people and that we were
16 going -- I would be going back to Mr. Morelos about
17 the conversations.
18 Q So Ms. Fromkin, her job was not in jeopardy
19 when you sat down to talk to her?
20 A No.
21 MR. SHAPIRO: Objection to form.
22 Q Was her job in jeopardy when you sat down
23 to talk to her?
24 A No.
25 Q And when you sat down to talk to

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1 Reginald Odom
2 Mr. Turner, was his job in jeopardy?
3 A No.
4 Q When you sat down to talk to
5 Mr. Kilpatrick, was his job in jeopardy?
6 A No.
7 Q And, in fact, you spoke to Mr. Turner and
8 Mr. Kilpatrick because Ms. Fromkin suggested you do
9 so, right?
10 A Yes.
11 Q Have you told me everything that Mr. Turner
12 and Mr. Kilpatrick said to you when you met with him?
13 A Everything that I can recall.
14 Q Is there maybe more information in the
15 notes that you can't locate?
16 A I don't know if there's more information in
17 the notes. They weren't very extensive conversations
18 or notes.
19 Q But any handwritten notes that you took
20 were contemporaneous with the discussions, right after
21 the discussions?
22 A Yeah, contemporaneous with the discussions.
23 Q How about Mr. DeGazon, can you tell me
24 everything that was said when you sat down and spoke
25 with him?

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1 Reginald Odom
2 A I remember talking to Mr. DeGazon about
3 Mr. Morelos getting the position as director. I
4 remember Mr. DeGazon being not particularly happy
5 about not having the opportunity to be the director of
6 the department. He was associate, assistant, I don't
7 know what his title was for a relatively significant
8 period of time and his view was in essence, under the
9 previous director he ran the department, so he was
10 disappointed by not receiving that opportunity.
11 Q And you're saying that "he" was
12 disappointed, that Mr. Morelos was hired to be
13 director rather than Mr. DeGazon?
14 A Rather than himself, yes.
15 Q And the person who had hired Mr. Morelos,
16 do you know who that was?
17 A That would have been John Harney. He would
18 have been the person who made the decision.
19 Q And that pre-dated your arrival at NYU?
20 A Yes.
21 Q So you have no personal knowledge of that
22 circumstance?
23 A No.
24 Q Okay. So Mr. DeGazon was not happy that
25 Mr. Morelos had been hired as director rather than

17 (Pages 62 to 65)

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1 Reginald Odom
 2 himself?
 3 A Right.
 4 Q And he shared that with you?
 5 A Yes.
 6 Q What else did he talk to you about?
 7 A He talked to me about that fact initially
 8 and that he found out that he wasn't given the job
 9 basically when Mr. Morelos called up on the phone and
 10 was asking about where to ship boxes, so he apparently
 11 hadn't been told that he hadn't gotten the job so he
 12 wasn't happy about that and that he felt that
 13 Mr. Morelos wasn't doing a very good job, didn't know
 14 how to run the department, that his experience was
 15 elsewhere, from, I guess it was hotels, I believe, and
 16 that it was a different kind of environment. He
 17 wasn't really prepared to run a building services
 18 department.
 19 He told me that he had a bad relationship
 20 with Corie Fromkin. He didn't think she did a good
 21 job. I recall him saying she spent all her time
 22 chatting up the union delegates rather than performing
 23 the job and supposedly she was reporting to him, but
 24 at some point Mr. Morelos changed that reporting
 25 structure when they continued having difficulties

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1 Reginald Odom
 2 working together.
 3 Q Are you aware that Ms. Fromkin joined NYU
 4 March of '03?
 5 A I don't know the date she started.
 6 Q And Mr. DeGazon did not give you any dates
 7 that he claims Ms. Fromkin reported to him, right?
 8 A No.
 9 Q Please continue. What else did Mr. DeGazon
 10 say to you?
 11 A So I remember asking Mr. DeGazon about his
 12 relationship with the other people in the department.
 13 I remember him saying that Ms. Sutowski had a lot of
 14 conflict with Hilda. I don't remember many specifics
 15 about that. I remember asking him about Mr. Turner
 16 and I remember his comment that he thought Mr. Turner
 17 was all right. He was new to building services. He
 18 also had come out of hotels or something like that,
 19 but he thought he was in the -- I'm going to quote
 20 them -- Joey camp. It became clear to me eventually
 21 that there were two camps. There was the Joey Morelos
 22 camp and Udel DeGazon camp. He thought Mr. Turner was
 23 probably the most decent one. I think he indicated he
 24 didn't have much like for any of the individuals.
 25 Mr. Turner, though, he thought was okay.

1 Reginald Odom
 2 Q Who was in the Joey camp as you've just
 3 used that term?
 4 A That would be Mr. Morelos, Ms. Fromkin,
 5 Mr. Turner and Ms. Sutowski. I feel there may have
 6 been another person that I'm not recalling. I'm not
 7 sure if there was another supervisor or manager
 8 referenced.
 9 Q At any point did you find out that
 10 Mr. Morelos had hired Ms. Sutowski, Mr. Turner and
 11 Ms. Fromkin?
 12 A I think that was the reference that
 13 Mr. DeGazon was making, that those were all the people
 14 he brought in, but I don't know that independently.
 15 Q So when you spoke to Mr. DeGazon in the
 16 first half of 2004, that's what you found out from
 17 Mr. DeGazon, that Mr. Morelos had hired Mr. Turner,
 18 Ms. Sutowski and Ms. Fromkin?
 19 A Yes.
 20 Q Was Mr. DeGazon critical of Ms. Sutowski's
 21 performance when you talked to him about --
 22 A Yes. But I don't think he was specific.
 23 He referred more to the issues -- there had been a lot
 24 of conflict between her and Ms. Pineda.
 25 Q I see. And Mr. DeGazon was critical of

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1 Reginald Odom
 2 Ms. Fromkin?
 3 A Wait a minute. I think he referred -- the
 4 way he referred to her is that she engaged in
 5 insubordinate behavior, but there weren't a lot of
 6 details he gave me. He said Hilda would be the person
 7 to talk to about that matter.
 8 Q Mr. DeGazon was critical of Ms. Fromkin
 9 when he spoke about her; is that right?
 10 A Yes.
 11 Q His criticism of her was not performing
 12 adequately as an office manager?
 13 A He felt she didn't perform adequately as an
 14 office manager, that she spent all her time talking to
 15 the union delegates doing everything but the work that
 16 needed to be done.
 17 Q Did Mr. DeGazon give you any documents to
 18 support any of his criticism of anyone in the
 19 department?
 20 A No. He had mentioned that Ms. Pineda, I
 21 believe, had documented some issues with Ms. Sutowski.
 22 Q Was there anything else that was said when
 23 you spoke to Mr. DeGazon?
 24 A That's in essence what I can recall right
 25 now of the conversation.

18 (Pages 66 to 69)

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1 Reginald Odom
 2 Q You did not speak with Ms. Sutowski, that's
 3 what you said earlier today, right?
 4 A I did not speak with her because she had
 5 already had an appointment scheduled with Mr. Parauda,
 6 so I told him to kind of fill me in on the
 7 conversation you have with her.
 8 Q At the time that Mr. Parauda spoke with
 9 Ms. Sutowski, that was something that you were not
 10 involved in; is that right?
 11 A No, I was not.
 12 Q Was Ms. Sutowski's job in jeopardy when
 13 Mr. Parauda spoke to her?
 14 A Not that I'm aware of, but I don't know the
 15 specifics.
 16 Q Did Mr. DeGazon have any criticism of Hilda
 17 Pineda when you spoke to him?
 18 A Criticism of Ms. Pineda? I believe he told
 19 me she had a lot to learn, that he would kind of bring
 20 her along in the department. He referenced that, you
 21 know, there's things that she needs to learn. He
 22 generally spoke highly of her.
 23 Q Who was in the DeGazon camp?
 24 A The DeGazon camp, Ms. Pineda, Mr. DeGazon.
 25 That's how I reference it. That's how I would

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1 Reginald Odom
 2 characterize it. I don't know of anybody else I would
 3 put in that camp. There was a lot of tension between
 4 them and the other folks that I mentioned in the
 5 department and, again, the camps are my reference.
 6 Q You spoke with Ms. Pineda after Mr. DeGazon
 7 and Mr. Kilpatrick, whatever that sequence was,
 8 Ms. Pineda was at the end of the list that you've
 9 given me; is that right?
 10 A Yes.
 11 Q You gave me some names.
 12 A Yes.
 13 Q I want to go back to Mr. DeGazon if we have
 14 an opportunity. I thought about something else. Tell
 15 me what you want to say.
 16 A What I recall, I specifically -- in the
 17 conversation I asked Mr. DeGazon about the comment
 18 about the skinny little white girl comment, because as
 19 I noted, that was of concern to me. He denied having
 20 ever made any kind of allegation or any kind of
 21 comment like that to her.
 22 Q Is there anything else that was said when
 23 you spoke to Mr. DeGazon?
 24 A Nothing else I can recall right now.
 25 Q How did you leave things with him after you

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1 Reginald Odom
 2 finished your discussion with him?
 3 A I told him I want to speak to other people
 4 in the department, that I was going to speak to
 5 Ms. Pineda, that I would speak to others and, you
 6 know, ultimately -- you know, I actually mentioned to
 7 him that I thought the department might need to work
 8 with the organizational development group to do
 9 something to ease the tensions that were obviously
 10 there in the department.
 11 Q Did that ever happen?
 12 A No, it did not.
 13 Q Next is Ms. Pineda, can you tell me what
 14 was said when you spoke with her?
 15 A I remember in talking to Ms. Pineda -- I
 16 don't know if Mr. DeGazon was there. I think he was
 17 there for a couple of minutes in the conversation in
 18 the beginning and that's why I recall it was in some
 19 other office at the hospital. I remember her talking
 20 to me about that, about Ms. Fromkin, that, you know,
 21 Ms. Fromkin was difficult. When she would ask her to
 22 do things, she wouldn't do them or that she would have
 23 to check with Joey before she would do anything that
 24 Ms. Pineda asked her to do. I remember her talking
 25 about Ms. Sutowski, you know, not wanting to follow

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1 Reginald Odom
 2 her directives and questioning all of her directives
 3 and I think she -- I don't recall if she said anything
 4 about Mr. Turner. I don't recall if she made any
 5 comments about Mr. Turner or not. And generally,
 6 again, I asked her about her relationship with
 7 Mr. Morelos and her comments were, you know, that
 8 Mr. Morelos pretty much just kind of stayed in his
 9 office and wasn't around that much and her view was
 10 that her and Mr. DeGazon pretty much carried the
 11 department.
 12 Q Is there anything else that was said in
 13 that discussion?
 14 A Nothing else that I can recall.
 15 Q So you recall having one discussion with
 16 Keith Turner, right?
 17 A Yes.
 18 Q And after Mr. Turner separated from NYU, am
 19 I correct that you never had any further contact with
 20 Mr. Turner?
 21 A No.
 22 Q Did you ever have further contact with
 23 Mr. Turner after he separated from NYU?
 24 A No.
 25 Q Do you know if anyone at NYU had further

19 (Pages 70 to 73)

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1 Reginald Odom
 2 A I believe so.
 3 Q So Ms. Richards, who reported to
 4 Ms. Fromkin and replaced her, came to you before
 5 Ms. Fromkin was terminated with an issue about her; is
 6 that fair to say?
 7 A Yes.
 8 Q And you then pulled Ms. Fromkin's personnel
 9 file, correct?
 10 A Yes.
 11 Q And this is the first time you did that,
 12 correct?
 13 A Yes.
 14 Q So when Mr. DeGazon criticized Ms. Fromkin
 15 in the first half of '04 and you had that string of
 16 meetings, you didn't pull Ms. Fromkin's file when
 17 Mr. DeGazon had criticisms of Ms. Fromkin, right?
 18 A No, I didn't.
 19 Q And at the time that you pulled
 20 Ms. Fromkin's file, Mr. Morelos was no longer at NYU.
 21 Mr. DeGazon was acting director, right?
 22 A Yes, he was.
 23 Q So when you pulled the file, there was one
 24 evaluation there, that's this one, and you read it,
 25 correct?

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1 Reginald Odom
 2 A I don't recall.
 3 Q You saw it?
 4 A I don't know the entirety of what was in
 5 the file, but I know I read through the file and I do
 6 remember seeing an evaluation.
 7 Q Let me show you Exhibit 18. Can you tell
 8 me if you've seen any of those documents before?
 9 A Yes. I have seen those documents before.
 10 Q On what date did you see them?
 11 A I don't recall the date.
 12 Q Did you see these documents after
 13 Jacqueline Richards brought to your attention
 14 Ms. Fromkin?
 15 A Yes.
 16 Q So at the time you were pulling
 17 Ms. Fromkin's personnel file, you got your hands on
 18 these?
 19 A I believe Ms. Richards brought me these
 20 documents. I don't recall the specific time. It
 21 would have been around the same time.
 22 Q Do you know where Ms. Richards got these
 23 from?
 24 A I believe Ms. Richards did the payroll for
 25 the department.

1 Reginald Odom
 2 Q I see. So you obviously didn't speak to
 3 Mr. Morelos about those documents because he was no
 4 longer at NYU at the time, right?
 5 MR. SHAPIRO: Objection to form.
 6 A That's true.
 7 Q Whom did you talk to about these documents?
 8 A I first talked to Ms. Richards about them
 9 to help me understand the documents, and then I
 10 believe I had a conversation with Mr. DeGazon.
 11 Q And then Ms. Fromkin was fired?
 12 A Yes, that's correct.
 13 Q And you were at the meeting when
 14 Ms. Fromkin was fired?
 15 A Yes.
 16 Q What happened at the meeting at which
 17 Ms. Fromkin was fired?
 18 A I communicated to her that she was being
 19 terminated for inappropriate, I guess, fraudulent
 20 documents and for utilizing time inappropriately, I
 21 believe. I don't remember the specific details, but
 22 there were days that she indicated she was at work
 23 that she wasn't actually at work, so it was theft of
 24 time.
 25 Q So are you saying that you did not talk to

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1 Reginald Odom
 2 Mr. DeGazon?
 3 A Yes, I did.
 4 Q And who made the decision to fire
 5 Ms. Fromkin?
 6 A I recommended that she be terminated.
 7 Q And who acted on the recommendation?
 8 A We had the discussion with her, I believe,
 9 together, and I primarily did the talking.
 10 Q Would you agree with me that it was
 11 Mr. DeGazon's decision to fire Ms. Fromkin as director
 12 of the department?
 13 A I don't know that I would call it his
 14 decision. I was recommending, based on what I
 15 reviewed that, she should be terminated. I felt it
 16 was my decision than his. He agreed with the
 17 decision.
 18 Q And if he testified that it was his
 19 decision to fire her, would you disagree with his
 20 testimony in that regard?
 21 MR. SHAPIRO: Objection to form.
 22 A I don't know. I don't know what his
 23 thought process would be.
 24 Q Did you understand that Joseph had signed
 25 off on several of those documents?

23 (Pages 86 to 89)

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1 Reginald Odom
 2 A It's my understanding that Ms. Fromkin
 3 indicated that Mr. Morelos had okay'd her to engage in
 4 the activity she did.
 5 Q And you knew that Mr. Morelos had lost his
 6 job immediately before Ms. Fromkin was fired, didn't
 7 you know that?
 8 MR. SHAPIRO: Objection to form.
 9 Q It was the same day?
 10 A I don't know. I don't know if it was the
 11 same day or not.
 12 Q Did you know that Mr. Morelos was let go
 13 from NYU on April 30th of '04?
 14 A I don't recall the specific date.
 15 Q Did you know that that very same day you
 16 and Mr. DeGazon sat down with Ms. Fromkin and she was
 17 fired?
 18 A I don't recall it to be the same day, but
 19 it may have been.
 20 Q Do you know how Mr. Morelos was advised
 21 that his job was ending?
 22 A He would have been told that by Mr. Harney,
 23 John Harney.
 24 Q And that information then came to your
 25 office, didn't it?

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1 Reginald Odom
 2 A Yes.
 3 Q So when Mr. Morelos lost his job, you folks
 4 knew about it, right?
 5 A Yes.
 6 Q You and Mr. Parauda knew about it, right?
 7 A I don't know if Mr. Parauda knew right
 8 away.
 9 Q You knew right away?
 10 A Yes.
 11 Q And you knew right away that Mr. DeGazon
 12 was contacting the director of the department, right?
 13 A Yes.
 14 Q When you did your interviews earlier in
 15 '04, was Jacqueline Richards somebody that was on that
 16 list that you sat down and spoke to?
 17 A I don't recall speaking to her during the
 18 interviews.
 19 Q So the first time you spoke to Ms. Richards
 20 about Corie Fromkin was when she came to you with
 21 Exhibit 18?
 22 MR. SHAPIRO: Objection to form.
 23 A That's my recollection.
 24 Q When Ms. Fromkin told you that Mr. Morelos
 25 had approved all of these documents in Exhibit 18, did

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1 Reginald Odom
 2 you have a response to her?
 3 MR. SHAPIRO: Objection to form.
 4 Q Did you respond to that?
 5 A Yes, I did.
 6 Q What did you say?
 7 A That either way it was still inappropriate
 8 and she should have known was it inappropriate as the
 9 office manager.
 10 Q So let me see if I understand this. Are
 11 you saying that if the director of the department
 12 approved Ms. Fromkin's work schedule, work hours, time
 13 sheets, that she was not allowed to rely upon the
 14 decision of the director of the department?
 15 A If the director of the department directed
 16 her to have time off which equated to theft of time
 17 from the institution and she was aware of that fact,
 18 that's exactly what it was. No, she didn't have the
 19 approval to follow the director's position.
 20 Q Did Ms. Fromkin say to you that all of the
 21 hours that she was paid for represented hours that
 22 were actually worked?
 23 MR. SHAPIRO: Objection to form.
 24 A I don't recall if she said that or not.
 25 Q So tell me as specifically as you can the

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1 Reginald Odom
 2 allegations that were raised against Ms. Fromkin and
 3 what your conclusion was.
 4 A To the extent that I can recall it, the
 5 allegation was that she had falsified the time sheets
 6 and made changes to the time sheets and reflected that
 7 she was actually working on days that she was not
 8 working which equated to theft of time, and after
 9 reviewing it -- there were several days, I don't
 10 recall how many at the moment -- there was other
 11 documentation that indicated she was out of the
 12 office, but the time sheet reflected that she was in
 13 the office.
 14 Q Did you ever compare what she was paid for
 15 versus what she worked, whether she was paid for all
 16 the time she worked and worked all the time she was
 17 paid for?
 18 MR. SHAPIRO: Objection to form.
 19 A I don't understand.
 20 Q Is it your allegation that Ms. Fromkin was
 21 paid but didn't work the total amount of time that she
 22 was paid for?
 23 A I still don't think I'm understanding the
 24 question.
 25 Q I understand that and that's the beauty of

24 (Pages 90 to 93)

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1 Reginald Odom
 2 A I don't believe so.
 3 Q And as I talk to you in this deposition, if
 4 there's a specific date that attaches to any
 5 transaction or event, please tell it to me if you
 6 didn't recall it but if it comes back to you, tell me,
 7 okay?
 8 A Okay.
 9 Q Because I want to make sure that we get it
 10 done today, if possible.
 11 Did you ever review any documents regarding
 12 the job performance of Ms. Pineda or Mr. DeGazon?
 13 A Not in conjunction with this issue that I'm
 14 aware of.
 15 Q When Mr. DeGazon was made the acting
 16 director right after Mr. Morelos lost his job, did you
 17 tell Mr. DeGazon congratulations, you're acting
 18 director? Did you tell him that he had gotten the
 19 act --
 20 A No, I did not.
 21 Q So, to your knowledge, Mr. Harney relayed
 22 that information to him?
 23 A Yes.
 24 MR. SHAPIRO: Objection to form.
 25 Q So Mr. Harney advised Mr. Morelos of the

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1 Reginald Odom
 2 separation of his employment, then your area found out
 3 that had occurred?
 4 A I was aware that that was going to occur.
 5 Q You knew in advance that Mr. Morelos was
 6 going to lose his job?
 7 A Yes.
 8 Q And how far in advance of April 30, 2004
 9 did you find out that Mr. Morelos was going to lose
 10 his job?
 11 A If April 30 was the day --
 12 Q If that was the date that Mr. Morelos was
 13 told --
 14 A -- then I found out, I think it was the
 15 either that day or potentially, at best, the day
 16 before.
 17 Q And am I correct that Mr. Harney did not
 18 seek approval from your area or input on that
 19 decision?
 20 A No. I was aware of his decision through a
 21 conversation I had with Mr. Harney about the
 22 department.
 23 Q So would it be fair to say that prior to
 24 Mr. Morelos losing his job you knew he was going to
 25 lose his job and Mr. DeGazon would then be the acting

1 Reginald Odom
 2 director?
 3 A I don't know if there was a discussion
 4 about Mr. DeGazon being the acting director or not. I
 5 knew he was going to lose his job.
 6 Q And once Mr. Morelos lost his job, did you
 7 then understand Mr. DeGazon to be acting director?
 8 A Not necessarily immediately, but I knew
 9 that some short time thereafter.
 10 Q Well, certainly when you and Mr. DeGazon
 11 sat down and fired Ms. Fromkin, Mr. DeGazon was the
 12 highest level person in the department because
 13 Mr. Morelos was gone, right?
 14 A Right.
 15 Q So for all purposes for that moment running
 16 the department, correct?
 17 A Yes.
 18 MR. SHAPIRO: Objection to form.
 19 Q I'll show you Exhibit Number 90. Can you
 20 just tell me if you see yourself listed as a CC on the
 21 correspondence?
 22 A Yes.
 23 Q And who's Vincent Gerbino?
 24 A He was the senior director of compensation
 25 in the human resource department.

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1 Reginald Odom
 2 Q And do you see on the first page it says,
 3 "As of Monday, Udel DeGazon has assumed responsibility
 4 as interim director of building services."
 5 A Yes.
 6 Q You know when you joined NYU -- let me back
 7 up a step. You came into NYU in 2002, correct? We
 8 talked about that earlier?
 9 A Yes. I'm just thinking of the time, yes.
 10 Q And shortly after you joined NYU, you met
 11 Mr. DeGazon and Ms. Pineda?
 12 A I'm not sure at what point I met them.
 13 Q Within your first year of employment you
 14 knew who they were?
 15 A I knew Mr. DeGazon my first year of
 16 employment. I'm not sure about Ms. Pineda.
 17 Q Did you know they were both long-term
 18 employees of NYU?
 19 A I knew Mr. DeGazon was. I don't think I
 20 met Ms. Pineda until some point later.
 21 Q Did you meet Ms. Pineda before you met with
 22 her in 2004 to discuss department issues?
 23 A Let me reverse it. I did meet Mr. DeGazon
 24 prior to my actual tenure at NYU.
 25 Q When did you first meet Mr. DeGazon?

26 (Pages 98 to 101)

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1 Reginald Odom
 2 A I don't believe so.
 3 Q In the Corie Fromkin e-mail from April 11th
 4 of '04, she mentioned Ms. Sutowski, Mr. Turner and
 5 Mr. Kilpatrick. She also mentioned somebody named
 6 Alhaji Majeed. Did you ever interview Mr. Majeed?
 7 A I don't recall interviewing Mr. Majeed.
 8 Q Did you ever interview Mr. Majeed in
 9 response to Ms. Fromkin's e-mail?
 10 A I don't recall.
 11 Q In previously flipping through this
 12 document, does this refresh your recollection or
 13 change any of the testimony you've given today about
 14 the discussion and communication I covered so far in
 15 this deposition?
 16 MR. SHAPIRO: That's kind of a broad
 17 question.
 18 Q That's my question.
 19 A No.
 20 Q In response to the documents that you have
 21 identified in Exhibit 46 and the discussion that
 22 you've already testified to today, did you ever seek
 23 to have NYU take any type of adverse action against
 24 Mr. DeGazon or Ms. Pineda?
 25 MR. SHAPIRO: Objection to form.

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1 Reginald Odom
 2 A I'm sorry, I'm not sure I completely
 3 understand the question.
 4 Q Did you ever seek to have NYU take any
 5 adverse action against Mr. DeGazon?
 6 MR. SHAPIRO: Objection to form.
 7 A For what purpose?
 8 Q For any adverse action.
 9 A I'm assuming in relation to this case, but
 10 I'm trying to understand.
 11 Q I'm asking you generally: Did you ever
 12 seek to have NYU take any adverse action against
 13 Mr. DeGazon, adverse employment action?
 14 A No.
 15 Q Did you ever seek to have NYU take any
 16 adverse employment action against Ms. Pineda?
 17 A No.
 18 Q Did you ever recommend that any type of
 19 warning be issued to Mr. DeGazon or Ms. Pineda?
 20 A Not in relation to this case.
 21 Q Did you ever recommend that any type of
 22 warning be issued to Mr. DeGazon or Ms. Pineda
 23 relating to any other matter?
 24 A Yes.
 25 Q And when did you do so and with respect to

1 Reginald Odom
 2 whom?
 3 A At some point later in his tenure,
 4 Mr. DeGazon's supervisor, who is Sandra Eiberger
 5 (phonetic) expressed concerns related to specific
 6 issues about his performance and I suggested that she
 7 document those items in a written form.
 8 Q Who is Sandra Eiberger?
 9 A She's vice president of operations.
 10 Q And are you saying she was Mr. DeGazon's
 11 boss when he became director of building services?
 12 A No. The position, the vice president
 13 position that had responsibility for building services
 14 was vacant. There was an individual who had left and
 15 Mr. Harney, I believe, was covering as the chief
 16 operating officer for a period of time, and then once
 17 they hired Ms. Eiberger, she had that responsibility.
 18 Q If I tell you that Mr. DeGazon separated
 19 from NYU in April or May of '05, you know, Mr. Turner
 20 got his papers June 14th of '04, at what point did you
 21 recommend that Ms. Eiberger document a warning about
 22 Mr. DeGazon?
 23 A It would have been at some point, assuming
 24 sometime in '05.
 25 Q And what was Ms. Eiberger's concern about

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1 Reginald Odom
 2 Mr. DeGazon's performance?
 3 A I don't remember the specifics. I believe
 4 that there were some issues, some things she wanted
 5 done that hadn't gotten done. I don't recall what the
 6 specifics were.
 7 Q Is Ms. Eiberger still with NYU?
 8 A Yes.
 9 Q And she is vice president --
 10 A Operations.
 11 Q -- of operations.
 12 Did she write a warning to Mr. DeGazon, to
 13 your knowledge?
 14 A I believe she did.
 15 Q Do you think Mr. DeGazon resigned from NYU
 16 because his performance was being criticized?
 17 A Yes.
 18 Q And is the criticism that you're referring
 19 to that of Ms. Eiberger?
 20 A Yes.
 21 Q Was there any other criticism that you
 22 think resulted in Mr. DeGazon's decision to move on?
 23 MR. SHAPIRO: Objection to form.
 24 A It would have been the criticism of
 25 Ms. Eiberger; that was his direct supervisor.

31 (Pages 118 to 121)